

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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XUGUANG CHANG, JUN NING, HAITAO	:
WANG a/k/a Leo Wang, and CHUAN HUI	:
WANG, on their own behalf and on behalf of	:
others similarly situated,	:
	:
<i>Plaintiffs,</i>	:
	:
<i>-against-</i>	:
	:
CK TOURS, INC d/b/a CK Tours; d/b/a Da	:
Xing Tours; WIN LI TOURS, INC d/b/a Win Li	:
Tour; d/b/a Heng Xing Tours; SKYLINER	:
TRAVEL & TOUR BUS CORP d/b/a Skyliner	:
Travel; HYON-SAK KIM a/k/a Peter Kim, and	:
JOANNA LAU a/k/a Kin-Ching Lau,	:
	:
<i>Defendants.</i>	:
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18 Civ. 6174 (PAC)

**ORDER**

As the parties are aware, trial in this matter was scheduled to begin on Wednesday, April 20, 2022. On that morning, the parties appeared in front of the Court to announce that they had reached an agreement in principle, and that trial would no longer be necessary. The Court granted the parties' joint request to adjourn, and ordered the parties to reconvene at 2:30 PM on May 25, 2022 to discuss finalizing the settlement.

Per Plaintiffs' counsel, among the issues remaining to be finalized is whether the parties intend to submit a settlement stipulation under Federal Rule of Civil Procedure 41—which would be subject to Court approval under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015)—or whether they will instead proceed by way of an offer of judgment under Rule 68. *See Mei Xing Yu v. Hasaki Rest., Inc.*, 944 F.3d 395 (2d Cir. 2019) (“[J]udicial approval is not required of Rule 68(a) offers of judgment settling FLSA claims.”).

Notably, Rule 68(a) provides that offers of judgment must be served “[a]t least 14 days

before the date set for trial.” Therefore, because any prospective offer of judgment in this case would necessarily be served *after* the initial trial date, should the parties choose to proceed under Rule 68, they are directed to submit, alongside any other submissions, a joint memorandum of law not to exceed ten pages (double-spaced) demonstrating that a Rule 68 offer of judgment is a viable settlement alternative in this case.

Dated: New York, New York  
April 22, 2022

SO ORDERED



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HONORABLE PAUL A. CROTTY  
United States District Judge